

REMARKS

The specification and the claims were amended to replace "A" with "A."

The specification was further amended by inserting a paragraph that includes subject matter that is supported by claims 4, 5 and 10 in the parent application.

The claims were amended to correct informalities and typographical errors.

The Abstract was amended to change "comprising" to "including" and "said" to "the."

Applicants have added new claims 22-35 to better define the various features of the present invention.

U.S. Patent No. 6,368,484 B1 (here after Volant et al.), was filed on May 9, 2000 and was assigned to International Business Machines Corporation, Armonk, N.Y. The International Business Machines Corporation is the common Assignee of the present application as well as the parent application that was filed January 18, 2002, from which the present application claims priority.

According to the MPEP section 706.02(k) entitled "Provisional Rejection (Obviousness) Under 35 U.S.C. 102(e)/103," such a reference would be disqualified as prior art against the claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Additional relevant material is described in MPEP section 706.02(l)(1) and 706.02(l)(2).

The text of 706.02(k) Provisional Rejection (Obviousness) Under 35 U.S.C. 102(e)/103 is provided for the record herein below:

"Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d), and reissues."

The parent application of the instant application and Volant et al. are assigned to and owned by International Business Machines Corporation, Armonk, N.Y.

The common ownership is supported by:

- (1) U.S. Patent No. 6,368,484 B1 (Volant et al.), which clearly shows on the first page that the Assignee is the International Business Machines Corporation, Armonk, N.Y.; and
- (2) Recordation of the Assignment of the parent application on Reel/Frame: 012528/0576.

Based on the foregoing, Volant et al. is disqualified as prior art against the presently claimed invention.

In view of the foregoing, applicants respectfully request examination and allowance of the pending claims of the present application, which include the newly presented claims 22-35.

An early indication of the allowability of claims 16-35 and issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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